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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 23 January 2012. Further details are contained in previous working papers posted on the United Nations website (http://www.un.org/en/decolonization/workingpapers.shtml).

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The Territory at a glance

Territory: Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States of America it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

Land area: 540 km².

Exclusive economic zone: 214,059 km².[a]

Population: 159,358 (2010 census).

Languages: English and Chamorro.

Ethnic composition (2000 census): 37.1 per cent Chamorro; 26.3 per cent Filipino; 11.3 per cent other Pacific islanders; 6.9 per cent white; 6.3 per cent Asian; 2.3 per cent other ethnic origin; and 9.8 per cent mixed.

Capital: Hagåtña.

Head of the territorial Government: Current Governor is Eddie Baza Calvo (elected November 2010).

Territory's delegate to the United States Congress: Madeleine Z. Bordallo.

Main political parties: Democratic and Republican Parties.

Elections: Last: 2010; next: September 2014.

Legislature: Unicameral 15-member legislature. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches.

GDP per capita: US$ 22,293 (chained) dollars (2009 estimate).

Economy: Principle sources of revenue are: tourism and the United States military presence.

Unemployment: 13.3 per cent (March 2011).

Monetary unit: United States dollar.

7. Periodically, there have been moves to change the island's political status. The Guam legislature established the first Political Status Commission in April 1973. In a 1976 referendum, Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of 5 to 1, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted. Another referendum was held in 1982, with 73 per cent of voters opting to pursue commonwealth status with the United States.

8. The Commission on Self-Determination, established in 1980, completed a draft commonwealth act in 1986, which, after a public education campaign, was submitted for an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the core proposals, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after having been amended and rewritten. A summary of the main points in the draft commonwealth act is contained in a 2001 working paper (A/AC.109/2001/4).

9. Subsequent discussions, held from 1989 to 1997, between the Commission and the Government of the United States on a commonwealth agreement did not reach a resolution. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to address an important but controversial issue involving the Chamorro population. The Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote with regard to the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

10. In 2000, the Guam legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding but would at the same time have set the course for any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered. In October 2010, the President of the United States, Barack Obama, signed bill H.R. 3940 into law. The Law clarifies the Secretary of the Interior's authority and obligation to provide federal funding for political status education on Guam. It should help the people of Guam become aware of their constitutionally viable political options. Eligible voters are those who can trace their roots back to those residents living on the island at the time of the passage of the Organic Act in 1950 who were made citizens by federal law. Universal suffrage with respect to elections applies to United States citizens who are 18 years of age or over and legally resident in Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. In February 2012, the Guam Election Commission announced that Guam had 46,926 registered voters and 5,222 native inhabitants.

11. In 2011, Mr. Calvo convened the Commission on Decolonization for the first time in about a decade. The Commission is preparing a preliminary report on an

education programme designed to keep residents informed regarding the future plebiscite vote for self-determination. This report will detail timelines and procedures and must be submitted to the Guam legislature for review.

II. Military and related issues

12. As previously reported, in 2009 the United States decided that United States Marine Corps capabilities in the Pacific region will have been realigned by 2014, through the transfer of United States military personnel from Okinawa, Japan, to Guam. According to the administering Power, the relocation, costing over $10 billion, would bring 8,600 marines, 630 army personnel and about 10,000 dependants to Guam. More than 33,000 foreign workers would also be needed to build wharves, aircraft carrier berths, roads, military barracks and homes.

13. According to a study carried out in 2010, the military expansion would strain the island's limited infrastructure, health care and ecology. In February 2010, the Territory's Environmental Protection Agency stated that a military build-up could trigger island-wide water shortages which would fall disproportionately on a low-income, medically underserved population. It also indicated that it would overload sewage-treatment systems in such a way as to possibly cause significant adverse public-health impacts.

14. Opposition to the military expansion stemmed from concerns about its economic, sociocultural and environmental impact on the Territory. It was feared that anticipated economic benefits associated with the build-up would be offset by higher inflation, increased congestion and greater pressure on outdated infrastructure.

15. According to the administering Power, in June 2011, the United States Secretaries of State and Defense met with Japan's Minister for Foreign Affairs and Minister of Defence in two-by-two talks which reaffirmed the realignment goals of the agreement between the United States and Japan but extended the date of completion of Guam build-up facilities from 2014 to an indefinite date in the future. Moreover, the United States Congress, by the National Defense Authorization Act of 2012, has delayed, pending new studies, the fulfilment of the obligation to fund civilian projects related to the Guam military build-up. A Civilian-Military Coordination Council has been established to assist the Department of Defense in implementing an Adaptive Program Management, whereby the Department of Defense will monitor the build-up and adjust the construction pace if it impacts unduly the environment and/or the infrastructure.

III. Land issues

16. The question of land use and land ownership encompasses two major issues: the return of unused or underutilized lands held by the United States Department of Defense and the return of those lands to the original Chamorro landowners. In view of the envisaged military build-up, the Department of Defense has been interested in acquiring at least an additional 2,200 acres of non-federal land. Of the 147,000 acres of land available on Guam, the Department of Defense currently possesses 40,000 acres, or 27.21 per cent of the island's land mass. Private landowners in the

Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would need the approval of the Guam legislature.

17. It has been reported that the Department of Defense and Guam are at an impasse over the question of the use of ancestral land for a Marine Corps firing range. The military has been unable to get the support needed from the Government of Guam to place Marine live-fire ranges on ancient Chamorro land at Pagat Village, a federally registered archaeological site that holds deep meaning for many inhabitants of the island. The Government of Guam signed the Programmatic Agreement in March 2011 to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of Marines and their dependants and support staff as early as 2016.

IV. Budget

18. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. According to federal law, all island residents, including military personnel, must pay income taxes to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; however, the legislature can either override the Governor's veto by a special majority or reconsider the bill.

19. The report of the Guam Comprehensive Economic Development Strategy states that in fiscal year 2010, the general fund deficit grew by $84 million. Projections for the biennium budget state that by September 2013, the deficit will amount to $349 million and the Government of Guam will remain in deficit until 2015. Although the deficit grew in 2010, there were also slight positive changes that occurred, including a 0.4 per cent growth in total revenue, a 1 per cent growth in tax revenue and a 1.7 per cent growth in revenue generated from licences, fees and permits. Currently, Guam's revenue comes generally from taxes and federal contributions. A biennium budget has been created to enable planning for the build-up and other major events.

V. Economy

A. General

20. The economy of Guam continues to be based on two main pillars: tourism and the military. Meanwhile, the Territory has been attempting to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles and garments, cement and plastics. Re-exports constitute a high proportion of Guam's exports, which include, inter alia, petroleum products, iron and steel scrap, automobiles, and tobacco and cigars. Major trading partners of the Territory include the United States, Japan, Germany and China.

21. Up to March 2011, the upcoming military expansion was expected to become the main engine of economic activity, benefiting Guam's economy in the amount of

$1.5 billion per year once the process began. In 2010, the then Governor of the Territory acknowledged the economic benefits of the military build-up, while also stressing that it would impact the Territory's environment and create financial, social and cultural challenges. He called upon the United States Government to ensure an appropriate balance. He further stressed that extension of the construction timeline beyond 2014 would lessen the overall impact on the island. In his opinion, the application of adaptive management and force-flow reduction concepts could be one means of addressing those challenges in a Territory that had limited financial resources and lacked the capacity to absorb the impact of 20 years' growth in a 5-year time frame.

22. In June 2011, the Bureau of Economic Analysis published the second gross domestic product (GDP) estimates, which cover the period 2008-2009, for Guam and other United States Territories. Since 2009, in collaboration with the Department of the Interior's Office of Insular Affairs, under the Statistical Improvement Program, the Bureau has produced those estimates with the aim of providing a comprehensive, objective measure of economic activity in the Territories that could support economic and financial decisions. According to the Bureau, the long-term goal of the joint effort by the Bureau and the Office of Insular Affairs is to integrate Guam and the other United States Territories into the estimates of national GDP and the national income and product accounts, which is essential for better understanding the territorial economies.

23. According to the report of the Guam Comprehensive Economic Development Strategy, the Territory has seen a precipitous drop in revenues from three major sectors of the economy (tourism, military/federal and other). As a result of this drop, total Government revenues have dropped 49 per cent from $660 million in the mid-1990s to an estimated $340 million in 2003. This situation has led to very serious shortcomings in the delivery of basic public services and raises major concerns in respect of public safety, health, education and employment. Other economic indicators paint an equally dismal picture. Reduced Government expenditures have been unable to keep up with the needs of the island's shrinking economy.

B. Tourism

24. According to the report of the Guam Comprehensive Economic Development Strategy, Guam's tourism industry is the island's single largest economic sector. The industry generates approximately 60 per cent of Guam's annual business revenue. Visitor arrivals began to decline in 2001 and 2002 after years of continued growth. Tourist arrivals have struggled in the midst of a worldwide economic slump, compounded by the impact of the terrorist attack on the World Trade Center on 11 September 2001 and subsequent events, including two typhoons in 2002. Furthermore, the March 2011 earthquake and tsunami in Japan have added to the difficult situation facing Guam's tourism as a major source of revenue.

C. Transport and communications

25. Guam's road network is just less than 1,000 miles long. Of this, 420 miles of roadway are classified as "non-public". Out of the 550 miles of public roads, there

are approximately 144 miles of primary and some secondary roads. To maintain Guam's territorial highway system, the Government of Guam receives $18.4 million from the United States Department of Transportation and the Federal Highway Administration. From 2008 to 2011, the Government of Guam received $246 million from various federal allocations.

26. The Port Authority, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia. Three refurbished cranes from the Port of Los Angeles have been retrofitted and modified to enhance their productivity and handling capabilities. The 2030 Guam Transportation Plan, approved by the Guam legislature, became an official component of the island's Comprehensive Development Plan. The 2030 Guam Transportation Plan, which is a long-term strategy designed to improve Guam's transportation system, incorporates improvements of roadways and mass transportation, while accommodating pedestrians as well as bicycles. The Transportation Plan also addresses other issues such as the proposed military build-up.

27. Guam continues to serve as a major telecommunications hub for the Asia/Pacific rim. It has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialling, including the free use of "800" numbers.

D. Water system, sanitation and utilities

28. About three quarters of the Territory's water supply is provided by the Guam Waterworks Authority. The Government's water sources consist of groundwater and surface water (from the Ugum River). The remainder is located at air force and naval installations on Guam. The naval water source is a surface reservoir (Fena Lake) in the southern part of the island. The Guam Waterworks Authority is currently faced with acute problems, including increasing energy prices, the reliance on water purchases from the United States Navy, limited funding for infrastructure improvements, and operations conducted with limited financial and manpower resources. Additionally, the accelerated growth to be achieved through the military build-up continues to be a point of concern. The Authority's Capital Improvement Plan 2011-2015 is the first detailed plan for ensuring that the Authority continues to provide quality services. The Capital Improvement Plan estimates that the cost of the 2011-2015 projects will be $236 million. Examples of capital improvements include water production facilities, water distribution systems, wastewater collection systems, wastewater treatment plants and major one-time equipment acquisitions.

E. Agriculture and fisheries

29. The farming and fishing sectors are relatively well developed. The main types of produce are vegetables, citrus and tropical fruits, coconuts and sugar cane. The various divisions of the Department of Agriculture deal with animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources.

30. At a 2009 meeting in Hawaii, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the issue of the impact of the ongoing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. No follow-up action has been reported thus far.

VI. Social conditions

A. Labour

31. The latest employment report from the Department of Labor, released by the Government of Guam in December 2011, showed an increase in the number of jobs in the Territory. The report underlined the fact that the major part of the increase occurred in services, particularly in the hotel sector, reflecting a recovery from the previous job drop following the earthquake in Japan.

32. According to the Guam Bureau of Labor Statistics, as of 18 July 2011, Guam's average household income for calendar year 2010 was $49,263, an increase of $3,477, or 7.1 per cent, from that of 2008, which was $45,786. Per capita income for 2010 was $12,864. The number of unemployed increased from 6,510 persons in September 2009 to 9,970 persons in March 2011, at which time Guam's unemployment rate was recorded at 13.3 per cent.

B. Education

33. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for nearly 30,000 students in 41 schools. There are approximately 25 private schools in Guam, including 2 business colleges, 5 high schools and a number of elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations.

34. The Territory receives millions of dollars in federal funding each year to support programmes such as special education, summer school, the school lunch programme and the after-school Department of Education Extended Day programme. In January 2011, the United States Department of Education expressed its concern about a delay in the Government of Guam's procurement process, which might jeopardize nearly $90 million worth of federal funds which it had been supposed would bring building and technological improvements to Guam schools.

35. The cause of the delay turned out to be local procurement laws requiring that the offices of the Attorney General and the Governor sign off on contracts exceeding $500,000. To alleviate the congestion, the Attorney General's office assigned special assistant attorneys general to deal with the matter.

C. Health care

36. The estimated life expectancy of Guamanians is about 75 years for males and 81 years for females. The Guam Memorial Hospital Authority is the only civilian in-

patient medical facility that serves the public sector. The Authority has a capacity of 172 acute-care beds and 30 long-term care beds. The United States Naval Hospital primarily serves the military sector. There are three community/public health centres, one located in the north, one in the south and one in central Guam. Guam has 271 doctors and 92 medical clinics.

37. In 2010, the Guam Memorial Hospital was awarded $444,189 in federal grant funding under the United States Department of Health and Human Services Hospital Preparedness Program, designed to help the nation's hospitals and health-care systems respond to bioterrorism and other public-health emergencies. Through May, the Department of Health had received 12.08 per cent of the total federal spending for the year 2011.

VII. Environment

38. The Guam Environmental Protection Agency comprises five components: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division.

39. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic testing conducted by the administering Power in the Marshall Islands in the 1950s. Speaking at the 2011 Caribbean regional seminar conducted by the Special Committee, the representative of Guam pointed out that on an island of 212 square miles, there were a total of 95 toxic sites. While there had been some progress made towards clean-up by the Department of Defense, it was worrisome that 16 sites had long-term management status and that 9 sites were undergoing feasibility studies and under investigation to determine what future actions, if any, were required. Regarding the island's radiation exposure as a result of atomic bomb-related testing in the Marshall Islands in the 1950s, he pointed out that efforts to address the presence of radiation on Guam have not been undertaken by the Department of Defense. While the Pacific Association for Radiation Survivors continues to advocate for the inclusion of Guam claimants as downwinders under the Radiation Exposure Compensation Act of Congress, the island's claimants have been recognized only within the compensation category of on-site participants, a classification for which only those connected with military service on the island qualify, not the total exposed population.

40. As stated in the report of the Guam Comprehensive Economic Development Strategy, the Guam Environmental Protection Agency (EPA) conducts various programmes that monitor the status of the environment on a regular basis. United States Environmental Protection Agency regulations apply to Guam; but in some cases, Guam's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; hence its marine environment constitutes a key litmus test with respect to the overall environmental impact of human activity on the land. The quality of the marine waters has generally been found to be excellent across all indicators. At the confluence of the Pago River and its receiving marine waters, however, a high nitrate level is in evidence, which is in violation of federal Environmental Protection Agency standards. This has been attributed to nutrient loading by leachate from the island's Ordot landfill. Soil erosion, which is associated with construction activity or natural erosion, is an area of special concern

in southern Guam, since sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

41. Solid-waste landfills are an area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. To reduce the volume of garbage entering the Ordot dump, a policy was established that banned items like cardboard and organic waste. Through collaboration among community organizations, private businesses and the local government, some headway has been made in recycling solid waste, including through the creation by local businesses of the "i*recycle" programme designed to recycle aluminium cans, with the proceeds going to local schools. In addition to the issue of volume, there is that of potential contamination of Guam's primary water supply, the northern aquifer. In 2010, the United States Environmental Protection Agency issued a statement in response to the draft environmental impact statement of the Department of Defense, expressing concerns about how construction associated with the proposed military build-up may negatively affect the northern aquifer. Hazardous and toxic waste has a large potential for adversely impacting Guam's environment. In recent years, this potential has increased significantly, as evidenced by the growth in the number of on-island hazardous waste generators, and solid waste treatment, storage and disposal facilities.

42. Thirty-three per cent of the world's cyclones develop in the immediate area around Guam. Additionally, according to the Global Assessment of Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road building on steep slopes has caused erosion and the resulting sedimentation has killed coral colonies on fringing reefs.

VIII. Relations with international organizations and partners

43. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Secretariat of the Pacific Community, the Micronesian Chief Executives Summit, the Pacific Basin Development Council, the Pacific Islands Development Programme, the Pacific Asia Travel Association, and the South Pacific Regional Environment Programme. It also participates in the Pacific Islands Applied Geoscience Commission and the Pacific Community Coastal Fisheries Programme. In 2009, according to the administering Power, Guam expressed the wish to be allowed to have greater interaction with and acquire observer status at the Pacific Islands Forum. Guam has observer status in the Alliance of Small Island States. During the September 2011 meeting of the Pacific Islands Forum, held in Auckland, New Zealand, Guam was granted observer status in the Forum.

IX. Future status of the Territory

A. Position of the territorial Government

44. Developments regarding discussions on the future status of Guam are considered in section II above.

B. Position of the administering Power

45. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States, which was considered equally valid for 2010, on the status of American Samoa and other United States insular areas. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came within the purview of the Special Committee. In the letter, the Assistant Secretary of State also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those Territories, and no mandate to engage the United States in negotiations on their status. The letter further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations, statistical and other information of a technical nature relating to the economic, social and educational conditions in the Territory, the Federal Government submitted annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

46. At its 7th meeting, on 21 June 2011, the Special Committee heard statements made by petitioners from Guam, as reflected in the relevant summary record of the meeting (A/AC.109/2011/SR.7).

B. Special Political and Decolonization Committee (Fourth Committee)

47. At its 3rd meeting, on 4 October 2011, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly considered the question of Guam and heard statements by petitioners Edward Alvarez, Executive Director, Commission on Decolonization, Government of Guam, and Judith T. Won-Pat, representative of the Guam legislature (see A/C.4/66/SR.3 for an account of the discussion).

C. Action taken by the General Assembly

48. Pursuant to its examination of the relevant chapter of the report of the Special Committee for 2011 (A/66/23), the General Assembly, on 9 December 2011, adopted resolutions 66/89 A and B without a vote. In section VI of resolution 66/89 B, concerning Guam, the Assembly:

(a) Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter, and stressed the need for continued close monitoring of the overall situation in the Territory;

(b) Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

(c) Also requested the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomed the recent outreach work by the territorial Government, including the convening in 2011 of a Chamorro forum;

(d) Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam;

(e) Welcomed the invitation to Guam in 2011 to become Pacific Islands Forum observer.